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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/970,437	10/03/2001	Antoni S. Gozdz	APP 1431-US	4278
7590	11/29/2005		EXAMINER	
DOCKET ADMINISTRATOR LOWESTEIN SANDLER PC 65 LIVINGSTON AVENUE ROSELAND, NJ 07068-1791			LEADER, WILLIAM T	
			ART UNIT	PAPER NUMBER
			1742	

DATE MAILED: 11/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/970,437	GOZDZ, ANTONI S. <i>[initials]</i>	
	<b>Examiner</b>	<b>Art Unit</b>	
	William T. Leader	1742	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 22 August 2005.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4 and 6-23 is/are pending in the application.
- 4a) Of the above claim(s) 8-19 is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,6,7 and 20-23 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All    b) Some \* c) None of:
1. Certified copies of the priority documents have been received.
  2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date: _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>7/20/2005</u> | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. Receipt of the papers filed on August 22, 2005, is acknowledged. Claim 5 has been canceled. New claims 20-23 have been added. Claims 8-19 remain withdrawn from consideration. Claims 1-4 and 6-23 are pending.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

***Claim Rejections - 35 USC § 103***

3. Claims 1-4, 6 and 20-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gozdz et al (5,456,000) or Amatucci et al (6,187,061) in view of Maletin et al (6,697,249).
4. The Gozdz et al patent is directed to a battery cell. The cell includes electrodes composed of a polymeric matrix composition and an interposed separator member. The separator is also a polymeric material. See column 1, lines 18-32. The electrode and separator materials may contain a plasticizer. See column 2, line 62-67. The elements are laminated so that the electrodes and separators would adhere to each other. See column 3, lines 12-34. The laminated structure contains a significant measure of plasticizer (column 3, lines 35-39)

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5. The Amatucci et al patent is directed to a supercapacitor cell. The cell includes electrodes composed of a polymeric matrix composition and an interposed separator member. The separator is also a polymeric material. The electrode and separators materials may contain a plasticizer. See column 2, lines 27-47. The elements are laminated so that the electrodes and separator would adhere to each other. See column 2, lines 48-67.

6. Independent claims 1 and 20 differ from Gozdz et al and Amatucci et al by reciting that the separator is a fiber paper comprising cellulose. As indicated in the previous office action, the Maletin et al patent is directed to an electrochemical cell. The cell includes a polymeric matrix electrode and a separator. Maletin et al teach that the separator may be polymeric or a cellulose paper. See column 12, lines 22-30. It would have been obvious at the time the invention was made to have utilized a cellulose paper as the separator in the cell of Gozdz et al and Amatucci et al because cellulose paper and polymeric separators may be alternatively used as shown by Maletin et al.

7. Claims 7 and 23 rejected under 35 U.S.C. 103(a) as being unpatentable over Gozdz et al (5,456,000) or Amatucci et al (6,187,061) in view of Maletin et al (6,697,249) as applied to claims 1-4, 6 and 20-22 above, and further in view of Gozdz et al (5,552,239).

8. Claims 7 and 23 additionally recite particular plasticizer compositions. As indicated in the previous office action, Gozdz et al '239 discloses plasticizer materials such as propylene carbonate. It would have been obvious to have used a plasticizer such as propylene carbonate in the cell elements of Gozdz et al '000 or Amatucci et al because it is useful in producing cell elements as shown by Gozdz et al '239.

9. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William T. Leader whose telephone number is 571-272-1245. The examiner can normally be reached on Mondays-Thursdays and alternate Fridays, 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Roy King, can be reached on 571-272-1244. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

WT  
William Leader  
November 9, 2005

R  
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SUPERVISORY PATENT EXAMINER  
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